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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,796	10/22/2001	Tatsuya Yanagisawa	05721.0020	8412

7590 12/02/2004

Finnegan, Henderson, Farabow,
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1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,796

Applicant(s)

YANAGISAWA ET AL.

Examiner

CamLinh Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1 – 15 are acknowledged. Consequently, objections to claims 3 – 4, 6 – 7 are withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard Stokes (U.S. 4,870,515).

♦ As per claim 1,

Richard Stokes (U.S. 4,870,515) discloses a music piece data managing apparatus comprising:

- “A storage part for storing music piece data and management data associated therewith in a manner allowing additional writing” See Fig. 1, Fig. 4, col. 5, lines 35 - 38. “The storage part” corresponds to the data terminal 42. “Management data” corresponds to the artist or tile data that stored together with the music pieces (see abstract). As seen in Fig. 1, the tape is allowed to write data into the tape (portable tape player 40, col. 5, lines 44 – 50) for later reproducing. Therefore, this is “allowing for additional writing”.
- “A display part for displaying the data management data stored in said storage part and display a message to prompt an input operation for instructing an order of reproduction of said music piece data” See Fig. 4, element 112, col. 6, lines 52 - 58. Stokes teaches that

the system will prompt for selection of choices such as artist, titles (col. 9, lines 12 – 13), and Fig. 15 is a display of management data that waiting for user selections.

- “ A reproducing order generating part for forming reproducing order data to determine an order of reproduction of music pieces based on said input operation” see col. 6, lines 10 - 28.

- “ A data transfer part for transferring said reproducing order data to another storage part outside said music piece data managing apparatus” see col. 6, lines 64 – col. 7, lines 39.

The data is transferred from RAM 110 (located in the terminal 42) to the portable device memory.

◆ As per claim 2, Stokes discloses:

- “ Said reproducing order generating part rearranges said management data in accordance with the reproducing order of the music pieces and allocates edition numbers representing the order of reproduction to said management data, thereby forming the reproducing order data” See col. 2, lines 33 – 38, col. 6, lines 19 – 27.

◆ As per claim 3 – 4, Stokes discloses:

- “ Said management data includes a music piece name of the music piece data, data indicative of attributes of said music piece, and a memory address indicative of a storing position of said music piece data in said storage part” see col. 8, lines 15 – 23.

◆ As per claim 5, 9, 12, Stokes discloses:

- “ Said reproducing order generating part generates said reproducing order data and adds additional writing data comprising the music piece data and the management data

associated therewith which have been additionally written onto said storage part to said formed reproducing order data” See col. 2, lines 3 – 30.

♦ As per claim 6 - 7, Stokes discloses:

- “ A portable data recording medium is used” See col. 5, lines 49 – 51.

♦ As per claims 8, 10 – 11, Stokes discloses:

Richard Stokes (U.S. 4,870,515) discloses a music piece data managing apparatus comprising:

- “ A storage part for storing music piece data and management data associated therewith in a manner allowing additional writing” See Fig. 1, Fig. 16, col. 4, lines 49 – col. 5 lines 10. “ The storage part” corresponds to the tape that recorded the music pieces. “ Management data” corresponds to the artist or title data that stored together with the music pieces (see abstract). As seen in Fig. 1, the tape is allowed to write data into the tape for later reproducing. Therefore, this is “allowing for additional writing”.
- “A transfer data reading part for reading the reproducing order data transferred by said data transfer media” col. 10, lines 20 – 26.
- “ A reproduction control part for collating the reproducing order data read by said transfer data reading part with the management data stored in said storage part and controlling reproduction of the music piece data stored in said storage part based on the order of reproduction designated by said reproducing order data” See col. 9, lines 17 – 20, col. 2, lines 3 – 38.
- “ A data transfer part for transferring said reproducing order data by a data transfer media” see col. 2, lines 3 – 38.

♦ As per claims 13 - 14, Stokes discloses:

- “ Said reproducing order data is transferred to said another storage part by using a memory medium” see col. 6, lines 64 – col. 7, lines 39. The data is transferred from RAM 110 (located in the terminal 42) to the portable device memory by connection bus.

◆ As per claims 15, Stokes discloses:

- “ Said reproducing order data is transferred to said another storage part by using a radio wave apparatus” See col. 5, lines 11 – 34.

Response to Arguments

3. Applicant's arguments filed 08/05/04 have been fully considered but they are not persuasive.

Applicant argues that Stokes fails to disclose a data transfer part for transferring reproducing order data to another storage part outside music piece data managing apparatus (page 9 or the Remark). The Examiner respectfully disagrees.

Referring to Fig. 2, col. 5, lines 35 - 38, Stokes discloses a terminal 42, which is corresponding to the managing storage part. The music is transferred from this terminal to a portable player device (40). Therefore, the data must transfer outside music piece data managing apparatus.

Applicant argues that Stokes fails to disclose a display part (page 9 or the Remark). The Examiner respectfully disagrees.

See Fig. 4, element 112, col. 6, lines 52 - 58. Stokes teaches that the system will prompt for selection of choices such as artist, titles (col. 9, lines 12 – 13), and Fig. 15 is a display of management data that waiting for user selections.

Applicant argues that Stokes fails to disclose the limitation of forming reproducing order data based on the input operation (page 10 or the Remark). The Examiner respectfully disagrees. Referring to col. 6, lines 19 – 28, col. 8, lines 15 – 23, Stokes clearly teach that the selection from the user is programmed so that the system will form reproducing order data based on the input operation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

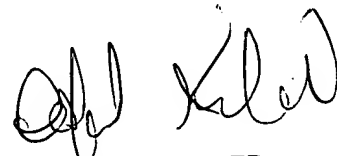
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN



**ALFORD KINDRED
PRIMARY EXAMINER**